



## **HADDENHAM PARISH COUNCIL TREE POLICY**

**Resolved by Environment Committee on 3<sup>rd</sup> June 2019**

**Review date June 2021**

### **GENERAL POLICY**

This policy defines the Council's approach to tree management on its land. It is intended to be a point of reference for the Public, Councillors and Officers to ensure a consistent and structured approach to the management of the Council's trees. This policy sets out a proactive and systematic method of management that will both conserve and enhance our tree population and the amenity value of our land. For sites of special character, or that have trees of particular significance, this general policy will be supplemented with the site's particular management needs.

### **TREE PROTECTION**

Due care will be taken by the Council to ensure that damage to trees by mowing and strimming is prevented. Longer grass margins around trees may be left. Protection will be provided for newly planted or young trees where appropriate, e.g. timber-sided planting boxes and strimmer guards.

### **TREE INSPECTIONS**

The Council has a duty of care for its trees and will inspect all trees in high risk areas by a recognised tree surgeon every two years. High risk areas will include such areas as adjacent to the public highway, major footpaths and other areas of high use such as the Council's play areas and Churchyard. Areas deemed to non-high risk areas – areas away from public areas and highways will be inspected every three years.

The Council will also consider requests to conduct tree work on the Council's land from members of the public. If the request concerns a potentially dangerous tree, the tree will be inspected on the same or next day. If the request is of a non-urgent nature, the Clerk will consult the Tree Survey relating to that individual tree and make an informed decision on whether an additional inspection is necessary. If actioned an inspection will be undertaken within 3 months. In all cases, the member of the public will be informed of this inspection policy and will be informed of any action to be taken resulting from the inspection.

The Council recognises the importance of mature and ancient trees and will balance safety with a duty to protect the environment. Higher levels of risk will be acceptable in areas of lower footfall (e.g. the middle of a woodland site) as opposed to highly visited areas (e.g.

play areas). This will allow the Council to keep veteran trees to encourage biodiversity without creating undue risk.

## **TREE FELLING**

The Council will avoid felling trees unless it is necessary. This will usually be for health and safety purposes, or to prevent the spread of serious tree diseases and pests. However, the Council reserve the right to fell trees to prevent overcrowding, to improve habitats or restore landscapes in line with site management or where a tree is inappropriate to its location and has a significantly detrimental impact on the appearance or amenity of a site.

## **WOODY DEBRIS**

Subject to a safety assessment and if appropriate to the specific site, large woody debris will be left in situ for the creation of wildlife habitats. Tree stumps will also be left in situ where it is safe to do so as they provide a valuable wildlife habitat whilst they rot down.

## **MAINTENANCE**

Tree work will be prioritised and carried out according to the Haddenham Parish Council's Tree Survey. The Council will produce a programme of tree works within the available budgets. The emphasis will be on planned, rather than reactive, tree maintenance.

The following categories will be used to categorise our tree works:

**Emergency:** Dangerous trees requiring immediate attention

Timescale for works: Same day or next day wherever possible

**Category Two:** Desirable works, e.g. to improve tree health, loosening/removing tree ties at the tree grows

Target timescale for works: Within 6 months of identification

**Category Three:** Non-essential works, e.g. thinning out, formative pruning

Target timescale for works: Within 12 months of identification

Tree maintenance will be conducted by Contractors, or trained council officers, subject to the nature of the work. All tree works will be conducted to comply with BS 3998: 2010 Trees Works – Recommendations.

Tree pruning will be carried out when deemed necessary following an assessment.

Pruning will be carried out:

- for health and safety reasons e.g. to remove some of the lower branches of a tree located near a road to enable traffic to pass safely
- where it benefits the health of the tree e.g. pollarding will be conducted regularly on certain species where it extends the lifespan of the tree and prevents splitting
- where it is in-line with site-specific management plans

There may be time when the tree maintenance the Council conducts does not meet the expectation of members of the public requesting works. In this situation, members of the public are advised to write formally to the Council and their comments will be reviewed.

When the Council will not undertake tree pruning or removal maintenance:

- In response to natural occurrences that do not pose a health and safety risk, such as falling nuts, bird droppings, falling leaves, or sap exudation
- Where trees have a negative impact on television reception, where the canopy is blocking lighting with the exception of street lighting
- where the tree is blocking views from a residence
- During the nesting season (March to July), unless the work is for urgent health and safety reasons. It is an offence to intentionally damage or destroy the nest of any wild bird while it is in use or being built; therefore tree works will avoid this
- If a tree contains roosting bats (it is a criminal offence to recklessly or intentionally disturb bats, or to damage or destroy a roost). If work is required for health and safety reasons, the advice of English Nature will be sought
- trees overhanging an adjacent property unless not doing so would pose a health and safety risk.
- Removal of dead branches (conduct crown cleaning) from trees located in relatively quiet locations due to their ecological value. However, if the dead or diseased branches pose a health and safety risk, or are felt to be impacting upon the tree's health, crown cleaning will be conducted

Although the Council will not automatically undertake maintenance work on its trees under the above circumstances, it will provide advice to members of the public, if they wish to carry out their own works on trees which belong to the Council and overhang their property. This does not mean that the Council accepts any financial responsibility for work carried out by the members of the public, but merely offers best advice on what is allowed

under common law. This advice is shown on Appendix A – Common Law – Advice on Cutting of Trees Branches.

## **CONSERVATION AREA & TREE PRESERVATION ORDER – AYLESBURY VALE DISTRICT COUNCIL**

A Tree Preservation Order (TPO) is a form of planning control that protects trees that make important contribution to their local surroundings. TPOs are made when trees are under threat of being cut down or damaged. This also applied to trees which are situated within a Conservation Area.

It is illegal to cut down, prune, or damage a tree protected by a TPO or within a conservation area, without Aylesbury Vale District Council's consent. The unauthorised lopping or felling of a tree is a serious criminal offence and can result in a large fine and a criminal record.

Consent is needed to work on a protected tree, if you wish to undertake felling or crown reduction, please discuss your proposals with Aylesbury Vale District Council before submitting an application. It can take up to eight weeks for a decision to be made on a protected tree. Further details are available from Aylesbury Vale District Council.

## **REPLACEMENT OF TREES**

Should it be necessary for the Parish Council to fell a tree, it is policy of the Council to replace that tree with an UK native species. The tree may be located in the same area but could be planted elsewhere should the original site be unsuitable.

## **APPENDIX A**

### **COMMON LAW - ADVICE ON CUTTING OF TREE BRANCHES**

Under common law, a person may cut back any branch (or root) from a neighbour's tree that overhangs or encroaches onto their property. In cutting back any overhanging branches (or encroaching roots). The following points need to be observed.

- You must not trespass onto the land on which the trees are growing.
- Branches or roots must not be cut back beyond the boundary in anticipation of them overhanging.
- Any branches, fruit or roots that are removed must be carefully returned to the tree owner unless they agree otherwise.
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- All work must be carried out carefully. For example you should avoid damaging property or carrying out work that would leave the tree unsafe or dangerous to avoid any comeback against yourself.
- You cannot alter the height of trees or hedges on neighbouring land.

While not required under common law, it would be courteous to notify the tree owner of your intentions to help allay any misunderstanding.

Please be aware that your common law rights are intended to allow you to carry out the minimum amount of work. If you carry out extensive works and in so doing you make the tree unsafe, the tree owner may have a case against you for criminal damage. You should be especially careful if you are pruning roots.



## H A D D E N H A M P a r i s h C o u n c i l

If the trees in  
subject to a tree

question are  
preservation

order or are growing in a conservation area then an application (in the case of tree preservation orders) or 'Notice of Intent' (in the case of trees growing in a conservation area) may be required and the following points will apply.

- The person intending to submit an application or notice must inform the owner of the land on which the trees are growing that an application or notice is to be made.
- The granting of consent in the case of a tree preservation order or the raising of no objection in the case of trees in a conservation area means that the tree work applied for is acceptable in arboricultural and planning terms only. It does not give the person submitting the application or notice an automatic legal right to carry out the work. The question of ownership is a civil rather than a planning issue and the landowner's permission must be obtained in addition to any planning approval.
- Any application or notice relates to the land and the landowner may also carry out the approved works if they so wish.